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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/605,176

09/12/2003

Robert Stidd

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01/23/2009

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EXAMINER

LOWE, MICHAEL S

ART UNIT

PAPER NUMBER

3652

MAIL DATE

DELIVERY MODE

01/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/605,176	Applicant(s) STIDD, ROBERT	
	Examiner Michael Scott Lowe	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 54,56 and 58-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 54,56 and 58-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/14/08 & 10/31/08 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 61 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 61, the last term "said hitch" is unclear whether it is a new item or refers to the "tongue hitch attachment" mentioned previously.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 54,56,58-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chumley (US 5,609,350) in view of Young (US 6,336,783) and Hahn (US 6,092,970).

Re claims 54,61, Chumley teaches (generally figures 11-12) a device and method to tow at least two vehicles comprising:

- a base comprising a longitudinally extending main support beam (not numbered) and a support base attached to said main support beam,
- a pair of wheels (generally D) on opposite sides of and connected to said rack support base having an axis of rotation at right angles to said main support beam, said axis of rotation being located between front and rear ends of said base,
- a hitch (generally front of A) mounted on a forward end of said main support beam extending from the front end of said base for attachment to a towing vehicle,
- one or more racks (generally C) on said support base between said axis of rotation and said hitch for supporting a first vehicle pointed at a right angle to direction of movement of said base;
- a movable vehicle locator swivel plate (generally E, 59, 62) mounted on an upper side of and adjacent the rear end of said base for supporting two wheels of a second vehicle being towed,
- said movable locator swivel plate pivoting around a vertical axis (generally 61) capable of being a point of rotation for said vehicle being towed as said towing vehicle moves through a radius of a turn.

Chumley does not teach the movable vehicle locator swivel plate located to the rear of said axis of rotation and Chumley teaches adjusting means but not that the means for adjusting said movable locator swivel plate being along a longitudinal axis of said base to adjust loads on said hitch comprising a downwardly extending pivot bolt from said swivel plate engaging a hole in a series of holes in said base arranged along said longitudinal axis of said base whereby said swivel plate is movable between said holes for adjusting a load on said hitch. Young teaches the movable vehicle locator swivel plate (generally 70) located to the rear of said axis of rotation and longitudinally adjustable in order better tow a second vehicle (generally 51) and have more room on the forward vehicle tow rack (generally 30). Hahn teaches it is known to have longitudinal adjusting means comprise a plurality of longitudinal spaced openings with a downwardly extending pivot bolt (generally 60) for holding vehicle wheels at a desired location (column 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have tried modifying Chumley by Young and Hahn to have tried having the movable vehicle locator swivel plate longitudinally adjustable and located to the rear of said axis of rotation in order to achieve the predictable result of better towing (and inherently balancing) of a second vehicle and have more room on the forward vehicle tow rack, and to have longitudinal adjusting means comprise a plurality of longitudinal spaced openings with a downwardly extending pivot bolt for achieving the predictable result of holding vehicle wheels at a desired location.

Re claims 56,58-60, Chumley mentions an ATV but does not limit the type of first vehicle and is capable of having it be any type of vehicle. Although the limitations are

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only intended use for which Chumley is capable of handling, for sake of completeness and to speed up the case, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Chumley to use any type of vehicle in order to increase versatility.

Conclusion

Applicant's arguments filed 10/31/08 have been fully considered but they are not persuasive. Applicant argued that the changes enhance the alleged differences with the prior art. However after further consideration the downwardly extending pivot bolt is already taught by Chumley (generally 61) and/or Hahn (generally 60) and the axle always acts as a balance point when loads are adjusted on the hitch or other part of the device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Scott Lowe whose telephone number is (571)272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571)272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Scott Lowe/
Primary Examiner, Art Unit 3652